

and had declared should be sacred; they felt the necessity of having it distinctly understood, that it was not their intention, directly, or indirectly, to plight the faith of the State for the payment of any salary which might burthen and embarrass its finances after the return of peace. Accordingly, when they fixed the salaries of all officers upon the high nominal scale of the year 1780; and the Chancellor's salary, as we have seen, was fixed at twelve thousand five hundred pounds; the General Assembly resolved: "That whatever salaries may be given to the officers of the civil list, in continental currency, shall be subject to the control of the General Assembly, and shall stand no longer than till the further order of the said General Assembly." *Votes & Pro. H. Del. 24th December, 1779.*

It may then be safely assumed, as a fact incontrovertibly established, by the acts of the government, and the history of the times, that, whatever may have been the intentions or the wishes of the General Assembly, during the first nine years of the Republic, it was utterly impracticable, within that time, to comply with that provision of the Declaration of Rights, which requires the Legislature to secure to the Chancellor a salary during the continuance of his commission. But, however strongly and clearly this may be deduced from the facts and circumstances of those times; yet if it rested on deduction only, and there were, in all that period, no express declarations of the wishes, understanding, and intention of the Legislature to be met with, there might, perhaps, be found, somewhere, room to urge a cavil, or to press an inference, that the Declaration of Rights had been construed to allow the Legislature a discretionary power over judicial salaries; that it allowed them to temporize, and to diminish at pleasure, the salaries of the Chancellor and Judges. But the public acts, the repeated solemn messages, and the unequivocal language of the two branches of the General Assembly, have absolutely and positively precluded every doubt and cavil upon the subject.

638 *At November Session, 1782, the Senate, on the 11th of December, sent to the House of Delegates the following message:—"Gentlemen—The bill entitled, an Act to settle and pay the civil list, and the other expenses of civil government, may be considered by you as a money bill, to which our assent or dissent only can be given; and as you might have deemed it improper in us to make any alteration, we have returned it with a negative; we might otherwise have offered such amendments as would have met with your approbation; we are therefore under the necessity of communicating to you, by message, the reasons of our dissent.

"You will readily believe, gentlemen, that we do not mean to leave the officers of government unprovided for; on the contrary, we would willingly bestow upon them liberal, though not profuse salaries; but when the weight of taxes, already so severely felt by